

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 195-A

Case No. **94-16M/77-16F**

(Minor PUD Modification @ 4805 Van Ness Street, N.W. - Dixon)
January 9, 1995

By Z.C. Order No. 195 dated December 8, 1977, the Zoning Commission for the District of Columbia granted second-stage (final) approval for a planned unit development (PUD) and related change of zoning from R-1-B to R-4 for Lots 800 and 801 in Square 1530 and for Lot 800 in Square 1501.

The PUD site contained 3.52 acres of land, and is located on the west side of Massachusetts Avenue at 48th Place between Fordham Road and Van Ness Street, N.W.

The Zoning Commission approved the construction of a residential development with a maximum of 35 single-family dwelling units, including detached, semi-detached, or row dwellings. The maximum development for lot occupancy was 35 percent, floor area ratio (FAR) was 0.67, and height was 3 stories/40 feet. A minimum of 2 parking spaces per dwelling unit was to be provided on-site.

The PUD project was subsequently constructed, pursuant to the guidelines, conditions and standards contained in Z.C. Order No. 195.

The R-1-B District permits matter of right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, and a maximum height of 3 stories/40 feet.

The R-4 District permits matter of right development of residential uses, including detached, semi-detached and row single-family dwellings and flats with a maximum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and maximum height limit of 3 stories/40 feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.

On September 12, 1994, the District of Columbia Office of Zoning (OZ) received the application of Yvonne Dixon requesting a minor PUD modification to Z.C. Order No. 195, pursuant to 11 DCMR 2407.9, for property located at 4805 Van Ness Street, N.W.; that is, Lot 23 in Square 1530.

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The applicant requested the minor PUD modification in order to finish a portion of an existing basement, which would require the construction of a new side areaway staircase and new rear window well.

The applicant further requested the Zoning Commission to review her application, pursuant to the Consent Calendar provisions of 11 DCMR 3030.

By letter dated September 13, 1994, Advisory Neighborhood Commission (ANC) 3D expressed its support for the applicant's request for a minor PUD modification.

By memoranda dated September 21, 1994, OZ referred the application to the Office of Planning (OP) requesting review and comment about the merits of the applicant's request, and to the Zoning Administrator (ZA) inquiring why the Zoning Administrator could not approve the applicant's request during an earlier review for permit.

By letter dated October 16, 1994, Stephen Band, a next-door neighbor of the applicant, expressed no objections to the applicant's request.

By responding memorandum dated November 1, 1994, the Zoning Administrator indicated the following:

"Zoning Commission Order No. 195, dated December 8, 1977, states, under Condition Number 7, (Decision) that "the design of buildings shall be based on architectural drawings by W.C. and A.N. Miller Development Company, dated March 8, 1977, sheets 4A through 4N, marked as Exhibit No. 21 of the record.

The proposed stairwell and window well will result in a change of plans. The stairwell will increase the FAR only by a small amount."

By responding memorandum dated November 3, 1994, the OP recommended the following:

"The Office of Planning is supportive of this proposed minor PUD modification. The proposal would not increase the FAR or gross floor area of the existing PUD. The proposed modification would increase the amount of exterior light reaching the basement, as well as make the basement more accessible.

As previously stated, the zoning applicable to the subject site, as well as the Generalized Land Use Map designation approved in 1985, has not changed since the PUD was approved.

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Based on the previous analysis, the Office of Planning recommends that the Zoning Commission approve the requested minor modification, or, in the alternative, that the Commission schedule a public hearing in this case."

On November 14, 1994 at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and approved the application. In addition to reviewing the application and the aforementioned correspondences, the Zoning Commission also considered a memorandum dated November 14, 1994 from OZ which recommended approval of the application. The OZ memorandum, in part, stated the following:

"The relief requested by the applicant is consistent with the intent of the Zoning Commission in its original approval of the PUD. The relief requested will not impair the intent, purpose or integrity of the zone plan."

By undated letter received on November 14, 1994, Joseph Ristorcelli, a next-door neighbor, expressed no objections to the applicant's request.

The proposed decision of the Zoning Commission to approve the application was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization. NCPC, by report dated December 21, 1994, found that the proposed modification allowing the construction of a side areaway staircase and a rear window well at 4805 Van Ness Street, N.W., Lot 23 in Square 1530, would not adversely affect the Federal Establishment or other Federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission concurs with the applicant, OP, ZA, OZ and others, and believes that approving the application is appropriate and not inconsistent with the intent of 11 DCMR 2407.9 and 3030.

The Zoning Commission further believes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act.

The Zoning Commission has accorded ANC-3D the "great weight" consideration to which it is entitled.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a minor modification to the PUD project and to Z.C. Order No. 195,

for property located at 4805 Van Ness Street, N.W. This minor PUD modification is subject to the following guidelines, conditions, and standards:

1. The minor PUD modification shall be developed in accordance with the architectural plans prepared by Nancy Elliott & Associates and marked as Exhibit No. 6 of the record.
2. The minor PUD modification shall allow for the construction of a new areaway staircase and a new rear window well.
3. Pursuant to the intent of 11 DCMR 2407.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the PUD modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 195 with the land records of the District of Columbia. That Notice of Modification shall include a true copy of Z.C. Order Nos. 195 and 195-A that the Director of the Office of Zoning has certified. The recordation of the Notice of Modification shall bind the applicant and successors in title to construct on and use this site in accordance with this order and any amendments thereof.
4. After recordation of the Notice of Modification, the applicant shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
5. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has satisfied Condition Nos. 3 and 4 of this order.
6. The PUD modification approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for a building permit as specified in subsections 11 DCMR 2407.2 and 2407.3 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.
7. Pursuant to D.C. Code Section 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicants are required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division of DCRA to approve permits if the applicants fail to comply with any provision of D.C. Law 2-38 as amended.


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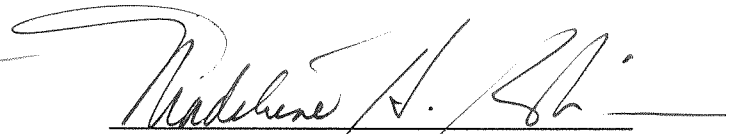
Vote of the Zoning Commission taken at the public meeting on November 14, 1994: 5-0 (William B. Johnson, William L. Ensign and Maybelle Taylor Bennett, to approve, and John G. Parsons and Jerrily R. Kress, to approve by absentee vote).

This order was adopted by the Zoning Commission at the public meeting on January 9, 1995 by a vote of 4-0 (John G. Parsons, Jerrily R. Kress, Maybelle Taylor Bennett and William L. Ensign, to adopt, and William B. Johnson not present, not voting).

In accordance with the provisions of 11 DCMR, this order is final and effective upon publication in the D.C. Register; that is, on

FEB 3 1995


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning

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